

Notice of Allowability

Application No.

09/976,801

Examiner

Andrew Joseph Rudy

Applicant(s)

LUNDY, MICHAEL T.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06 August 2007 Amendment.
2. ☒ The allowed claim(s) is/are 34-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>10/12/01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence H. Aaronson (Reg. No. 35,818) on August 31, 2007.

The application has been amended as follows:

Claims 1-6, 8, 12, and 30-32 have been cancelled.

New claims 34-42 are added. These claims are:

34. (New) A method of advertising on a mobile subscriber terminal, the method comprising:

sending an advertising authorization request via a telecommunications network to the mobile subscriber terminal;

receiving a reply to the advertising authorization request from the mobile subscriber terminal, the reply providing authorization for at least one advertisement to be sent to the mobile subscriber terminal; and

in response to the authorization, sending the at least one advertisement to the mobile subscriber terminal when at least one triggering event occurs, wherein the at least one triggering event comprises the mobile subscriber terminal being idle and the mobile subscriber terminal being substantially stationary.

35. (New) The method of claim 34, wherein the advertising authorization request comprises at least one user-selectable option for authorizing the at least one advertisement to be sent to the mobile subscriber terminal.

36. (New) The method of claim 34, wherein the mobile subscriber terminal comprises a display screen, the method further comprising displaying the at least one advertisement on the display screen.

37. (New) The method of claim 34, wherein sending the at least one advertisement to the mobile subscriber terminal when the at least one triggering event occurs comprises executing stored computer instructions at a processor in the telecommunications network for sending the at least one advertisement to the mobile subscriber terminal when the at least one triggering event occurs.

38. (New) The method of claim 34, wherein the function of sending the at least one advertisement to the mobile subscriber terminal when the at least one triggering event occurs is initiated by a server coupled to the telecommunications network.

39. (New) The method of claim 34, further comprising:
receiving the at least one advertisement at the mobile subscriber terminal; and
in response to receiving the at least one advertisement at the mobile subscriber terminal, displaying the at least one advertisement on the mobile subscriber terminal.

40. (New) A method of advertising on a mobile subscriber terminal, the method comprising:
sending an advertising authorization request via a telecommunications network to the mobile subscriber terminal;
receiving a reply to the advertising authorization request from the mobile subscriber terminal, the reply authorizing at least one advertisement to be sent to the mobile subscriber terminal;
sending the at least one advertisement to the mobile subscriber terminal in response to receiving the reply; and
displaying the at least one advertisement on the mobile subscriber terminal in response to the mobile subscriber terminal being idle and substantially stationary.

41. (New) The method of claim 40, wherein the advertising authorization request comprises at least one user-selectable option for authorizing the at least one advertisement to be sent to the mobile subscriber terminal.

42. (New) A method of advertising on a mobile subscriber terminal, the method comprising:

retrieving a reply to an advertising authorization request from computer readable memory, the reply authorizing at least one advertisement to be sent to the mobile subscriber terminal;

sending the at least one advertisement to the mobile subscriber terminal in response to retrieving the reply; and

displaying the at least one advertisement on the mobile subscriber terminal in response to the mobile subscriber terminal being idle and substantially stationary.

3. Further pertinent references of interest are noted on the attached PTO-892.

4. Another signed copy of Applicant's Information Disclosure Statement (IDS) submitted October 12, 2001 is included with this Office Action. Apparently the IDS was inadvertently not included with the Office Action mailed out March 3, 2005. However, it was reviewed by the present Examiner on February 25, 2005. The Examiner regrets that this document was not earlier forwarded to Applicant.

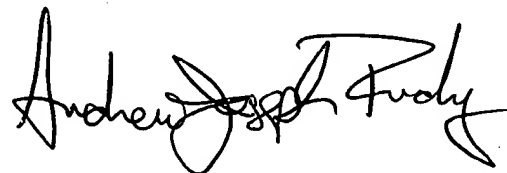
5. The following is an examiner's statement of reasons for allowance: The prior art, either alone or combination, does not disclose, teach or suggest, a mobile subscriber terminal having an advertisement displayed after a response and/or triggering device associated with the mobile subscriber terminal in response to the mobile subscriber terminal being idle and substantially stationary after authorization is granted to send the advertisement to the mobile subscriber terminal, in combination with the other claim language recited.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is stylized with a large, looped "A" and a cursive "Rudy".

Andrew Joseph Rudy
Primary Examiner
Art Unit 3627